

Responsible Office: Office of General Counsel (Code G)
Subject: Rendering Legal Advice



Office of General Counsel (HQ/Code G)
Office Work Instruction

Rendering Legal Advice

Approved by: Original Signed by Robert M. Stephens, Deputy General Counsel, for
Edward A. Frankle
General Counsel

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1. Purpose

The purpose of this procedure is to describe the process by which the Office of General Counsel provides legal advice on issues including, but not limited to, policy, appropriations law, personnel law, ethics, public contract law, grants, interagency agreements, Space Act Agreements, intellectual property law, environmental law, and FOIA requests.

2. Scope and Applicability

- 2.1 This OWI applies to all requests for legal advice from all sources within NASA, both Headquarters and Centers.
- 2.2 The scope of representative legal issues for which legal advice is generally rendered includes but is not limited to the following:
 - 2.2.1 Contract law, which includes issues/questions regarding contracts, grants, and cooperative agreements;
 - 2.2.2 General law, which includes issues/questions regarding legislation, executive orders, ethics, personnel, EEO, fiscal, environmental, property, and safety/security law;
 - 2.2.3 Intellectual property law, which includes intellectual property issues/questions regarding domestic and international agreements, technical data rights, patents and copyrights, and distribution of computer software; and
 - 2.2.4 Commercial and international law, which includes issues/questions regarding agreements with U.S. commercial and foreign entities under the Space Act, as well as export control, FOIA appeals, and general matters of international law.

3. Definitions

- 3.1 AA. Associate Administrator.
- 3.2 AGC. Associate General Counsel.
- 3.3 Attorney. Attorney within Code G assigned action to render legal advice.
- 3.4 Code A. Office of the Administrator.

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- 3.5 Coordinating Secretary. Subcode Secretary who receives notification when the GC (or Designee) assigns an incoming action that the Code G Subcode that Secretary represents has received the incoming action for coordination and/or information.
- 3.5 DGC. Deputy General Counsel.
- 3.6 EEO. Equal Opportunity Employment.
- 3.7 FOIA. Freedom of Information Act.
- 3.8 GC. General Counsel.
- 3.9 HATS. Headquarters Action Tracking System.
- 3.10 HATS Sheet. Sheet entered into HATS listing action to be assigned to Attorney.
- 3.11 Incoming action. Request for legal advice.
- 3.12 New action. A matter or issue which has no history of past actions with an assigned attorney.
- 3.13 NHB. NASA Handbook.
- 3.14 NPD. NASA Policy Directive.
- 3.15 NPG. NASA Policy Guidance.
- 3.16 NFS. NASA Federal Acquisitions Regulation Supplement
- 3.17 Receiving Secretary. Subcode Secretary who receives notification when the GC (or Designee) assigns an incoming action that the Code G Subcode that Secretary represents is responsible to complete the incoming action assigned.
- 3.17 Subcode Secretary. Secretary from a Code G Subcode assigned to address the administrative matters involved to implement this OWI.

4. References

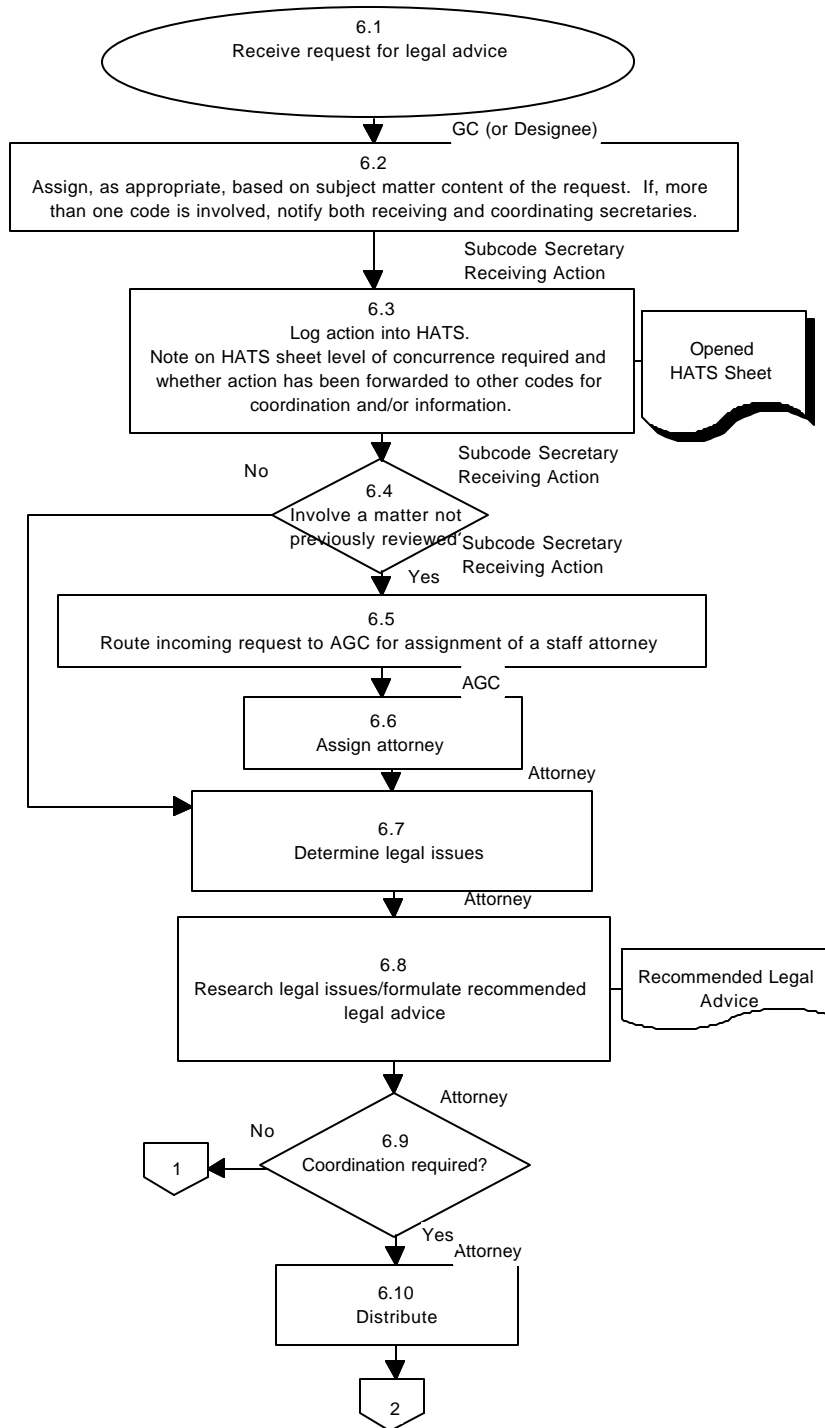
- 4.1 NHB 1101.3 Section 406, Code G, Office of Legal Counsel
- 4.2 U.S.C. (Applicable to all incoming actions)

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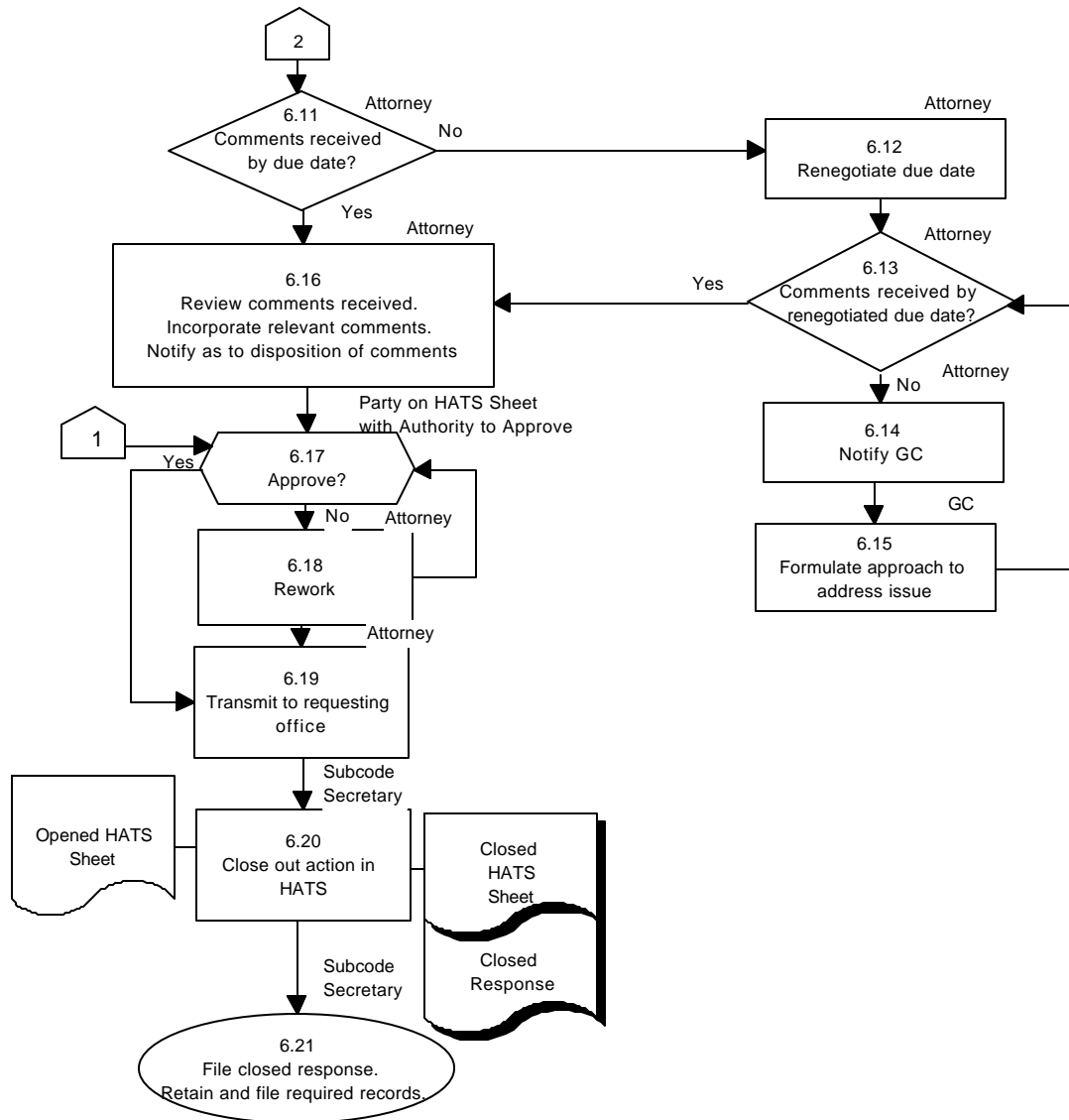
- 4.3 Relevant Case Law (Applicable to all incoming actions)
- 4.4 NFS (Applicable to all incoming actions involving contracts)
- 4.5 NPDs (Applicable to all subcodes)
- 4.6 NPGs (Applicable to all subcodes)

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5. Flowchart



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6. Procedure

Step	Actionee	Action
6.1		Request received for legal advice (e.g., written request, telephone call, office visit, email, etc.) Forward copy of request to GC (or Designee).
6.2	GC (or Designee)	Assign as appropriate based on subject matter content of the request (see Appendix A). If more than one Code G Subcode is involved, notify both the receiving and coordinating secretaries.
6.3	Subcode	Log action into HATS. If the incoming action is from

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	Secretary Receiving the Incoming Action	Code A, concurrence from the GC or DGC is required. If the incoming action is from an AA, AGC concurrence is required unless the concurrence is within the scope of the Attorney's position description. If the incoming action is from someone with authority below an AA, the Attorney signs the closed response to the assigned incoming action. Assign due date based on office workload priorities and the requested due date. Note on the HATS Sheet whether the action has been forwarded to Code G Subcodes for coordination and/or information.
6.4	Subcode Secretary Receiving the Incoming Action	Determine if the request involves a matter not previously reviewed. If yes, go to Step 6.5 If no, go to Step 6.7
6.5	Subcode Secretary Receiving the Incoming Action	Route incoming request to AGC for assignment of a staff attorney.
6.6	AGC	Assign attorney based on subject matter expertise and current case load.
6.7	Attorney	Review HATS Sheet with coordinating Code G Subcodes noted to determine if other Code G Subcodes are involved. Determine legal issues presented.
6.8	Attorney	Research legal issues, and formulate recommended legal advice.
6.9	Attorney	Determine whether external consultation/ coordination is required and at what points in the processing coordination should be obtained. If coordination is required, go to Step 6.12. If no coordination is required, go to Step 6.17.
6.10	Attorney	Distribute recommended legal advice. Assign due date by which to receive comments. Due date is assigned based on office workload priorities and the requested required due date.
6.11	Attorney	Confirm whether comments were received by due date. If no, go to Step 6.12. If yes, go to Step 6.16.
6.12	Attorney	Renegotiate due date by which comments are to be received.
6.13	Attorney	Confirm whether comments have been received by renegotiated due date. If they were received, go to Step 6.16. If they were not received, go to Step 6.14.
6.14	Attorney	Notify GC

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| 6.15 | | Formulate approach to address issue, and go back to Step 6.13. |
| 6.16 | Attorney | Review and address comments received. Notify those commentators as to the disposition of their comments. Retain external comments received. |
| 6.17 | Party on HATS Sheet with Authority to Approve | Confirm whether concurrence has been given. If no, go to Step 6.18. If yes, go to Step 6.20. |
| 6.18 | Attorney | Address issues on which nonconcurrence was based. Submit for approval after rework (go to Step 6.17). |
| 6.19 | Attorney | Transmit legal advice to requesting office. Return HATS Sheet to Subcode Secretary. |
| 6.20 | Subcode Secretary | Close out action in HATS. |
| 6.21 | Subcode Secretary | File closed response. Ensure required documents are retained and filed. |

7. Quality Records

Record Identification	Owner	Location	Record Media: Electronic or Hard Copy	Schedule Number and Item Number (NPG 1441.1)	Retention/Disposition
Opened HATS Sheet	Code G Office that Received the Incoming Action	Files for Code G Office that Received Incoming Action	Hard Copy	Schedule 1, Item 78.C	Destroy or delete when no longer needed
Closed Response	Code G Office that Received the Incoming Action	Files for Code G Office that Received Incoming Action	Hard Copy	Schedule 2, Item 11	Transfer to FRC 3 years after completion or termination of project. Destroy when 7 years old.
Closed HATS Sheet	Code G Office that Received the Incoming Action	Files for Code G Office that Received Incoming Action	Hard Copy	Schedule 1, Item 78.C	Destroy or delete when no longer needed

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Closed HATS Sheet	Code G Office that Received the Incoming Action	Files for Code G Office that Received Incoming Action	Electronic	Schedule 1, Item 78.C	Destroy or delete when no longer needed
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Appendix A, Scope of Representative Legal Issues For Which Code G Provides
Legal Advice And Associated Points of Contact

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Appendix A

Scope of Representative Legal Issues For Which Code G Provides Legal Advice And Associated Points of Contact

Issue/Question	Scope	Code	Point of Contact	Position	Telephone Number
General Law	Issues/questions regarding legislation, executive orders, ethics, personnel, equal employment opportunity, fiscal, environmental, property, and safety/security law	GG	Ms. Doris Wojnarowski	Associate General Counsel for General Law	(202)-358-2465
Contracts	Issues/questions regarding contracts, grants, and cooperative agreements	GK	Mr. David Forbes	Associate General Counsel for Contract Law	(202)-358-2051
Intellectual Property	Intellectual property issues/questions regarding domestic and international agreements; technical data rights; patents, trademarks, and copyrights; and distribution of computer software.	GP	Mr. John G. Mannix	Associate General Counsel for Intellectual Property Law	(202)-358-2424
Commercial and International Law	Issues/questions regarding agreements with U.S. commercial and foreign entities under the Space Act, as well as export control, Freedom of Information Act (FOIA) appeals, and general matters of international law	GS	Mr. E. Jason Steptoe	Associate General Counsel for Commercial and International Law	(202)-358-2324

For more information, go to <http://www.hq.nasa.gov/ogc/main.html>.